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H. R. 2547

To develop and maintain a coordinated, comprehensive, and long-range national policy with respect to ocean and coastal activities that will assist the Nation in meeting specified objectives, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 1997

Mr. FARR of California (for himself, Mr. SAXTON, Mr. ABERCROMBIE, Mr. MILLER of California, Mr. GILCHREST, Mr. PALLONE, Mr. BROWN of California, Mr. GOSS, Mr. KENNEDY of Rhode Island, and Mr. ORTIZ) introduced the following bill; which was referred to the Committee on Resources

A BILL

To develop and maintain a coordinated, comprehensive, and long-range national policy with respect to ocean and coastal activities that will assist the Nation in meeting specified objectives, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oceans Act of 1997”.

1 **SEC. 2. CONGRESSIONAL FINDINGS; PURPOSE AND OBJEC-**
2 **TIVES.**

3 (a) FINDINGS.—The Congress makes the following
4 findings:

5 (1) Covering more than two-thirds of the
6 Earth's surface, the oceans and Great Lakes play a
7 critical role in the global water cycle and in regulat-
8 ing climate, sustain a large part of Earth's biodiver-
9 sity, provide an important source of food and a
10 wealth of other natural products, act as a frontier
11 to scientific exploration, are critical to national secu-
12 rity, and provide a vital means of transportation.
13 The coastal zone, transition between land and open
14 ocean, is a region of remarkably high biological pro-
15 ductivity, and is of considerable importance for com-
16 mercial and recreational activities.

17 (2) Ocean and coastal resources are susceptible
18 to change as a direct and indirect result of human
19 activities, and such changes can significantly impact
20 the ability of the oceans and Great Lakes to provide
21 the benefits upon which the Nation depends.
22 Changes in ocean and coastal processes could affect
23 global climate patterns, marine productivity and bio-
24 diversity, environmental quality, national security,
25 economic competitiveness, availability of energy, vul-

1 nerability to natural hazards, and transportation
2 safety and efficiency.

3 (3) Ocean and coastal resources are not infi-
4 nite, and human pressure on them is increasing. One
5 half of the Nation's population lives within 50 miles
6 of the coast, many ocean and coastal resources once
7 considered inexhaustible are now depleted, and if
8 population trends continue as expected, pressure on,
9 and conflicting demands for, ocean and coastal re-
10 sources will increase further as will vulnerability to
11 coastal hazards.

12 (4) Research has uncovered the link between
13 oceanic and atmospheric processes and improved un-
14 derstanding of world climate patterns and forecasts.
15 Important new advances, including availability of
16 military technology, have made feasible the explo-
17 ration of large areas of the ocean which were once
18 inaccessible. In designating 1998 as "The Year of
19 the Ocean", the United Nations highlights the value
20 of increasing our knowledge of the oceans.

21 (5) It has been 30 years since the Commission
22 on Marine Science, Engineering, and Resources
23 (known as the Stratton Commission) conducted a
24 comprehensive examination of ocean and coastal ac-
25 tivities that led to enactment of major legislation

1 and the establishment of key oceanic and atmos-
2 pheric institutions.

3 (6) A review of existing activities and an assess-
4 ment of future needs is essential to respond to the
5 changes that have occurred over the past 3 decades,
6 and to develop an effective new policy for the 21st
7 century to conserve and sustainably use ocean and
8 coastal resources, protect the marine environment,
9 explore ocean frontiers, ensure human safety, and
10 enhance marine technologies and economic opportu-
11 nities.

12 (7) While a significant Federal ocean and coast-
13 al program is underway, that program would benefit
14 from a coherent national ocean and coastal policy,
15 improved interagency coordination, and strengthened
16 partnerships with State, private, and international
17 entities engaged in ocean and coastal activities.

18 (b) PURPOSE AND OBJECTIVES.—The purpose of this
19 Act is to develop and implement a coordinated, com-
20 prehensive, and long-range national policy with respect to
21 ocean and coastal activities that will assist the Nation in
22 meeting the following objectives:

23 (1) The protection of life and property against
24 natural and manmade hazards.

1 (2) Responsible stewardship of fisheries and
2 other living and non-living ocean and coastal re-
3 sources.

4 (3) The protection of the marine environment.

5 (4) The enhancement of ocean and coastal ac-
6 tivities, and the resolution of conflicts among users
7 of the marine environment.

8 (5) The expansion of human knowledge of the
9 marine environment, including the role of the oceans
10 in climate and global environmental change, and the
11 advancement of education and training in fields re-
12 lated to ocean and coastal activities.

13 (6) The continued investment in, and develop-
14 ment and improvement of, the capabilities, perform-
15 ance, use, and efficiency of technologies for use in
16 ocean and coastal activities.

17 (7) Close cooperation among all government
18 agencies and departments involved in the regulation
19 of ocean and coastal activities, and in ensuring the
20 availability and appropriate allocation of Federal
21 funding, personnel, facilities, and equipment for
22 such activities.

23 (8) The preservation of the role of the United
24 States as a leader in ocean and coastal activities,
25 and, when it is in the national interest, the coopera-

1 tion by the United States with other nations and
2 international organizations in ocean and coastal ac-
3 tivities.

4 **SEC. 3. DEFINITIONS.**

5 As used in this Act—

6 (1) The term “Commission” means the Com-
7 mission on Ocean Policy.

8 (2) The term “marine environment” includes—

9 (A) the oceans, including coastal and off-
10 shore waters;

11 (B) lands within the coastal zone and sub-
12 merged lands of the continental shelf;

13 (C) the Great Lakes; and

14 (D) the ocean and coastal resources there-
15 of.

16 (3) The term “ocean and coastal activities” in-
17 cludes oceanography, coastal zone management, fish-
18 eries, marine wildlife conservation, and other ocean
19 and coastal resource stewardship and use, marine
20 aquaculture, energy and mineral resource extraction,
21 and recreation and tourism.

22 (4) The term “ocean and coastal resource” in-
23 cludes any living or non-living natural resource (in-
24 cluding all forms of wildlife found in the marine en-
25 vironment or Great Lakes, habitat, biodiversity, min-

1 erals, oil, and gas) and any significant historic, cul-
2 tural or aesthetic resource.

3 **SEC. 4. NATIONAL OCEAN AND COASTAL POLICY.**

4 (a) EXECUTIVE RESPONSIBILITIES.—The President
5 shall—

6 (1) develop and maintain a coordinated, com-
7 prehensive, and long-range national policy with re-
8 spect to ocean and coastal activities; and

9 (2) with regard to Federal agencies and depart-
10 ments—

11 (A) review significant ocean and coastal
12 activities, including plans, priorities, accom-
13 plishments, and infrastructure requirements;

14 (B) plan and implement an integrated pro-
15 gram of ocean and coastal activities including,
16 but not limited to, oceanography, stewardship
17 of ocean and coastal resources, protection of the
18 marine environment, and marine recreation and
19 tourism;

20 (C) designate responsibility for funding
21 and conducting ocean and coastal activities; and

22 (D) ensure cooperation and resolve dif-
23 ferences arising from laws and regulations ap-
24 plicable to ocean and coastal activities which re-

1 sult in conflicts among participants in such ac-
2 tivities.

3 (b) ASSISTANCE AND ADVICE.—The President shall
4 carry out subsection (a) with the assistance of the heads
5 of appropriate executive departments, agencies, and other
6 entities, and with the advice of the Commission.

7 (c) COOPERATION AND CONSULTATION.—In carrying
8 out responsibilities under this Act, the President may use
9 such staff, interagency, and advisory arrangements as the
10 President finds necessary and appropriate and shall con-
11 sult with non-Federal organizations and individuals in-
12 volved in ocean and coastal activities.

13 **SEC. 5. COMMISSION ON OCEAN POLICY.**

14 (a) ESTABLISHMENT.—

15 (1) MEMBERSHIP.—The President shall, within
16 90 days of the enactment of this Act, establish a
17 Commission on Ocean Policy. The Commission shall
18 be composed of 15 members appointed by the Presi-
19 dent in consultation with the Congress, and shall in-
20 clude individuals drawn from Federal and State gov-
21 ernments, industry, academic and technical institu-
22 tions, and public interest organizations involved with
23 ocean and coastal activities, but not more than 3
24 members shall be from the Federal Government.

1 (2) ADVISORY MEMBERS.—In addition, the
2 Commission shall have 4 Members of Congress, who
3 shall serve as advisory members. One of the advisory
4 members shall be appointed by the Speaker of the
5 House of Representatives. One of the advisory mem-
6 bers shall be appointed by the minority leader of the
7 House of Representatives. One of the advisory mem-
8 bers shall be appointed by the majority leader of the
9 Senate. One of the advisory members shall be ap-
10 pointed by the minority leader of the Senate. The
11 advisory members shall not participate, except in an
12 advisory capacity, in the formulation of the findings
13 and recommendations of the Commission.

14 (b) FINDINGS AND RECOMMENDATIONS.—The Com-
15 mission shall report to the President and the Congress on
16 a comprehensive national ocean and coastal policy to carry
17 out the purpose and objectives of this Act. In developing
18 the findings and recommendations of the report, the Com-
19 mission shall—

20 (1) review and suggest any modifications to
21 United States laws, regulations, and department or
22 agency structure, organization, and practices that
23 may be necessary to define and implement such pol-
24 icy;

1 (2) assess the condition and adequacy of invest-
2 ment in existing and planned facilities and equip-
3 ment associated with ocean and coastal activities in-
4 cluding human resources, vessels, computers, sat-
5 ellites, and other appropriate technologies and plat-
6 forms;

7 (3) review existing ocean and coastal activities
8 of Federal agencies and departments and the con-
9 tribution of such activities to oceanography, ocean
10 and coastal resource management, and protection of
11 the marine environment;

12 (4) examine and suggest mechanisms to address
13 the interrelationships among ocean and coastal ac-
14 tivities, the legal and regulatory framework in which
15 they occur, and their interconnected and cumulative
16 effects on the marine environment, ocean and coast-
17 al resources, and marine productivity and biodiver-
18 sity;

19 (5) review the known and anticipated demands
20 for ocean and coastal resources, including an exam-
21 ination of opportunities and limitations with respect
22 to the use of ocean and coastal resources within the
23 exclusive economic zone, projected impacts in coastal
24 areas, and the adequacy of existing efforts to man-
25 age such use and minimize user conflicts;

1 (6) evaluate relationships among Federal,
2 State, and local governments and the private sector
3 for planning and carrying out ocean and coastal ac-
4 tivities and address the most appropriate division of
5 responsibility for such activities;

6 (7) identify opportunities for the development
7 of or investment in new products, technologies, or
8 markets that could contribute to the objectives of
9 this Act;

10 (8) consider the relationship of the ocean and
11 coastal policy of the United States to the United Na-
12 tions Convention on the Law of the Sea (and related
13 international agreements) and actions available to
14 the United States to collaborate with other nations,
15 including the development of cooperative inter-
16 national programs for oceanography, protection of
17 the marine environment, and ocean and coastal re-
18 source management; and

19 (9) engage in any other preparatory work
20 deemed necessary to carry out the duties of the
21 Commission pursuant to this Act.

22 (c) CHAIRMAN.—The Commission shall elect 1 of its
23 members as Chairman. The Chairman of the Commission
24 shall be responsible for—

1 (1) the assignment of duties and responsibilities
2 among staff personnel and their continuing super-
3 vision; and

4 (2) the use and expenditures of funds available
5 to the Commission.

6 (d) COMPENSATION.—Members of the Commission
7 appointed from outside the Government shall, when en-
8 gaged in the actual performance of duties of the Commis-
9 sion, receive reimbursement of travel expenses, including
10 per diem in lieu of subsistence as authorized for persons
11 employed intermittently in the Government service under
12 section 3109 of title 5, United States Code. Members of
13 the Commission appointed from within the Government
14 shall serve without additional compensation to that re-
15 ceived for their services to the Government but shall be
16 reimbursed for travel expenses, including per diem in lieu
17 of subsistence.

18 (e) STAFF.—

19 (1) The Commission shall have a Director who
20 shall be appointed by the Chairman of the Commis-
21 sion and shall be knowledgeable in administrative
22 management and ocean and coastal policy.

23 (2) Upon consultation at the request of the
24 Commission, the head of any Federal Agency shall
25 detail personnel of the agency to the Commission to

1 assist the Commission in carrying out its functions
2 under this Act. To the extent feasible, such detail
3 shall be on a reimbursable basis.

4 (3) The Commission may accept and use the
5 services of volunteers serving without compensation,
6 and reimburse volunteers for travel expenses, includ-
7 ing per diem in lieu of subsistence, as authorized by
8 section 5703 of title 5, United States Code. Except
9 for the purposes of chapter 81 of title 5, United
10 States Code, relating to compensation for work inju-
11 ries, and chapter 171 of title 28, United States
12 Code, relating to tort claims, a volunteer under this
13 subsection may not be considered to be an employee
14 of the United States for any purpose.

15 (4) To the extent that funds are available, and
16 subject to the rules that may be prescribed by the
17 Commission, the Director may procure the tem-
18 porary and intermittent services of experts and con-
19 sultants under section 3109(b) of title 5, United
20 States Code, but at rates not to exceed the rate of
21 pay for GS-15, step 7 of the General Schedule.

22 (f) ADMINISTRATION.—

23 (1) All meetings of the Commission shall be
24 open to the public, except when a majority of the
25 members of the Commission (in the presence of a

1 quorum) determine that the meeting or any portion
2 of it may be closed to the public. Interested persons
3 shall be permitted to appear at open meetings and
4 present oral or written statements on the subject
5 matter of the meeting. The Commission may admin-
6 ister oaths or affirmations to any person appearing
7 before it.

8 (2) All open meetings of the Commission shall
9 be preceded by timely public notice in the Federal
10 Register of the time, place, and subject of the meet-
11 ing.

12 (3) Minutes of each meeting shall be kept and
13 shall contain a record of the people present, a de-
14 scription of the discussion that occurred, and copies
15 of all statements filed. Subject to section 552 of title
16 5, United States Code, the minutes and records of
17 all meetings and other documents that were made
18 available to or prepared for the Commission shall be
19 available for public inspection and copying at a sin-
20 gle location in the offices of the Commission.

21 (4) The Federal Advisory Committee Act (5
22 U.S.C. App.) does not apply to the Commission.

23 (g) COOPERATION WITH OTHER AGENCIES.—

24 (1) The Commission is authorized to secure di-
25 rectly from any Federal agency or department any

1 information it deems necessary to carry out its func-
2 tions under this Act. Each such agency or depart-
3 ment is authorized to cooperate with the Commis-
4 sion and, to the extent permitted by law, to furnish
5 such information to the Commission, upon the re-
6 quest of the Chairman of the Commission.

7 (2) The Commission may use the United States
8 mails in the same manner and under the same con-
9 ditions as other departments and agencies of the
10 United States.

11 (3) The General Services Administration shall
12 provide to the Commission on a reimbursable basis
13 the administrative support services that the Commis-
14 sion may request.

15 (4) The Commission may enter into contracts
16 with Federal and State agencies, private firms, insti-
17 tutions, and individuals to assist the Commission in
18 carrying out its duties. The Commission may pur-
19 chase and contract without regard to sections 303 of
20 the Federal Property and Administration Services
21 Act of 1949 (41 U.S.C. 253), section 18 of the Of-
22 fice of Federal Procurement Policy Act (41 U.S.C.
23 416), and section 8 of the Small Business Act (15
24 U.S.C. 637), pertaining to competition and publica-
25 tion requirements, and may arrange for printing

1 without regard to the provisions of title 44, United
2 States Code. The contracting authority of the Com-
3 mission under this Act is effective only to the extent
4 that appropriations are available for contracting
5 purposes.

6 (h) REPORTS.—The Commission shall submit to the
7 President and the Congress not later than 18 months after
8 the establishment of the Commission, a report of its find-
9 ings and recommendations. After submission of the report,
10 the Commission shall report at the request of the Presi-
11 dent or the Congress and in any case not less than once
12 every 5 years, on the Nation’s progress in meeting the
13 purposes and objectives set forth in section 2(b).

14 (i) AUTHORIZATION OF APPROPRIATIONS.—There
15 are hereby authorized to be appropriated to support the
16 activities of the Commission—

17 (1) a total of \$6,000,000 for the 2-fiscal year
18 period beginning October 1, 1997; and

19 (2) such sums as are necessary for the 10-fiscal
20 year period beginning October 1, 1999.

21 **SEC. 6. REPORT AND BUDGET COORDINATION.**

22 (a) BIENNIAL REPORT.—The President shall trans-
23 mit to the Congress biennially in January a report, which
24 shall include—

1 (1) a description of the ocean and coastal ac-
2 tivities and related accomplishments of all independ-
3 ent agencies and departments of the United States
4 during the preceding 2 fiscal years; and

5 (2) an evaluation of such activities and accom-
6 plishments in terms of the purpose and objectives of
7 this Act. Reports made under this section shall con-
8 tain such recommendations for legislation as the
9 President may consider necessary or desirable.

10 (b) BUDGET COORDINATION.—

11 (1) Each department or independent agency in-
12 volved in ocean and coastal activities shall include
13 with its annual request for appropriations a report
14 which—

15 (A) identifies significant elements of the
16 proposed agency or department budget relating
17 to ocean and coastal activities; and

18 (B) specifies how each such element con-
19 tributes to the implementation of the national
20 ocean and coastal policy developed under sec-
21 tion 4(a)(1).

22 (2) The President shall, in a timely fashion,
23 provide the head of each such department and inde-
24 pendent agency with an opportunity to review and

1 comment on the budget estimate of each such agen-
2 cy or department.

3 (3) The President shall identify in each annual
4 budget submitted to the Congress under section
5 1105 of title 31, United States Code, those elements
6 of each agency or department budget that contribute
7 to the implementation of the national ocean and
8 coastal policy developed under section 4(a)(1).

9 **SEC. 7. REPEAL OF 1966 STATUTE.**

10 The Marine Resources and Engineering Development
11 Act of 1966 (33 U.S.C. 1101 et seq.) is repealed.

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